

Possibilities of acceleration of permitting processes in construction

Abstract

This master thesis focuses on proposals for an acceleration of permitting processes in construction while the processes would maintain an adequate level of protection of public interests. The topic of the thesis has high relevance concerning the preparation of the public construction law recodification and with regard to the vision of adopting the new building act by 2021. The thesis aims to identify the major causes of the prolongation of the permitting processes. The work is focused on two proposals, which can be considered to have the potential to significantly accelerate the processes. The first one is a proposal for a new form of procedure for planning and building authorisation; The proposal was presented in the intended subject-matter of the new building bill. The second proposal has been debated for several years as to whether it could bring about an acceleration of the permitting processes while maintaining a sufficient level of protection of public interests. It is an introduction of the legal fiction of a positive binding opinion into the general legal regulation on the planning and building permit procedure.

The thesis is composed of four chapters. The first chapter deals with the current legal regulation of planning permit and building permit procedure and then briefly describes the legal regulation concerning the structure realization and the final inspection approval of the structure. In the second chapter, the main reasons for prolonging the processes are presented and, in simplicity, possible changes of legal regulation that could help to accelerate the processes are mentioned. The third chapter introduces a proposal for a new concept of planning and building permitting procedure, which the Ministry of Regional Development proposes in the intended subject-matter of the new building bill. The author analyzes the positives and negatives of the proposed form of the permitting procedure and the assumed reasons for the chosen form of the procedure. Finally, the fourth chapter focuses on the possibility of introducing the legal fiction of a positive binding opinion into the general legal regulation concerning the planning and building permit procedures and on the possible impacts of the legal fiction. In the second part, this chapter deals with the potential implications of exercising the legal fiction of positive decision in the planning and building permit procedures.

Keywords: planning permit procedure, building permit procedure, public construction law recodification